

Minutes of the Regular Meeting  
PARKS AND RECREATION COMMISSION  
Wednesday, February 19, 2003  
City Hall Kiva Forum  
3939 Drinkwater Boulevard

Present: Chairperson Shelley Anderson, Vice-chair Leigh Hersey, Commissioners Bill Heckman, Stephen Owens, Nona Oliver, and Lynn Timmons Edwards

Absent: Commissioner David Fortney

Staff present: Debra Baird, Scott Hamilton, Gary Meyer, Doug Nesselroad, Judy Weiss, and Rose Williams

#### CALL TO ORDER

Chairperson Anderson called the meeting to order at 5 p.m.

#### MOMENT OF SILENCE

Chairperson Anderson asked everyone to observe a moment of silence.

#### APPROVAL OF THE MINUTES

Commissioner Heckman moved to approve the minutes of the Regular Meeting and Work Study from February 5, 2003. Vice-Chair Hersey seconded and the motion carried unanimously.

#### DIRECTOR'S REPORT OF CURRENT EVENTS (A.R.S. § 38-431.02(K))

Debra Baird, Parks, Recreation & Facilities Director, updated the Commission on the status of events and activities of the Parks, Recreation, & Facilities Division. It's official - Sonoran Hills Park's Grand Opening was on Saturday, February 8, 2003. Approximately 125 residents participated in the grand opening activities including target tennis, a basketball contest, parachute games, scooter races and a home run derby. Thanks to the Mayor, Council people Ortega, Lukas, and Ecton, Chairperson Anderson, Commissioners Heckman and Hersey and for taking part in the ceremony. The Desert Garden at Scottsdale Ranch will open on February 22, 2003. The Grand Opening ceremonies will begin at 11 am and go until 1 pm. The National Arbor Day Foundation has named the City of Scottsdale as a 2002 recipient of the "Tree City USA" award for the 21<sup>st</sup> year. The National Arbor Day Foundation also gave the "Growth Award" Scottsdale. This is the 11<sup>th</sup> time Scottsdale has received this award. The Growth Award was created to recognize environmental improvements and high levels of tree care in Tree City USA communities. The next commission meeting will be Wednesday, March 5, 2003, 5 p.m. at the Via Linda Senior Center, which is a change in location, and the agenda will include Approval Trails Master Plan document; Review of the Draft Streets Master Plan; and an update on the Sports Field Maintenance Task Force Report. The City Council will hear the Chaparral Park Municipal Use Master Plan on March 3, 2003 and the McDowell Mountain Ranch Master Plan on March 17, 2003.

#### PERFORMANCE BY THE INTERNATIONAL CLUB DANCERS

Terry Erickson, Senior Recreation Coordinator, gave the commission a brief history of the creation of the International Club and reviewed some their recent activities. Ms. Erickson presented Norma Saldaña, Recreation Leader II, and the International Club Dancers, who performed a 50's Rock N Roll dance for the Commissioners.

## PRESENTATION OF THE TRAIL MAP PORTION OF THE TRAILS MASTER PLAN

Scott Hamilton, Trails Coordinator, and Jim Coffman, Trails Master Plan Project Manager from Todd and Associates, presented the Trails Map portion of the Trails Master Plan. This map shows the citywide trails network. Staff is requesting direction from the Commission on the location of the trails for inclusion in the Trails Master Plan including recommendations for the Pinnacle Peak/Church Road neighborhood alignment. The completed Trails Master Plan will be brought before the Commission for approval at the March 5, 2003 meeting, which will be held at the Via Linda Senior Center.

Chairperson Anderson called for public testimony.

Jane Rau, 8148 E. Dale Lane, said it is important to take the time to implement, finish, and accomplish some of the things that have been worked on for years. Being a 35-year resident, and owning land north of Dynamite Blvd., she has seen it all. She uses the trails every day and we all need to share. She sees users of trails around her property daily and they don't bother her. If security is a concern, rolling shutters help control heat and provide privacy. You can control everything on your own without taking away from everyone else. We need the connectivity for bikers, hikers, equestrians, and all other uses. She uses Pinnacle Peak and it is beautifully done. There are 1,400 people using that on a weekend and it is done well. There are answers and we need to move ahead.

Richard Pawlowski, 9705 E. Adobe Dr., is opposed and signed a petition. He stated he is confused. If the City struggles with budget cuts and the cost for this may exceed \$2.5 million. Why would we spend money on this when we should be spending it on something more worthwhile. All of the property owners in this area bought their properties for peace and quite. We paid more money for our property so we would have the views and the peace and quite. All this does is infringe on our property rights and privacy. All of the people are against it and none of us want it. At least once a week he picks up at least 2 bottles of beer at the back of his property along the DC Ranch trail. It will be an absolute mess. We don't want it and you don't have the money to do it. Scottsdale and the State of Arizona have better things to do with its money.

Stephen Yahner, 10070 E. Sonoran Vista, stated his house backs up to the Reatta Wash. He understands all the concerns but he is not concerned. There will not be a trash problem. He hikes probably more than anyone in this room. Hikers and equestrians do not trash trails. Other people trash things not hikers and equestrians. Hikers and equestrians are not vandals. There will not be a traffic problem because this is not a trailhead. This is a connecting trail. The connectivity would be exciting. Lastly regarding the Rock Burglar, burglars don't like to operate in an environment where there are people. They don't like people around so if there are people walking along the wash occasionally that will mitigate that issue. There is an expression that has crept up in Scottsdale over the last 10 or 15 years called NIMBY. Frankly, if it is not in his backyard whose backyard will it be in. This is not a destination trailhead and there will not be the traffic that people are concerned about. We should come together as a community and share what we have been fortunate enough to acquire.

Judith Wagman, 9730 E. Adobe Dr., stated as a homeowner and member of the Board of Directors of Pinnacle Peak Vista III, she wants to express the vehement opposition to trails running through their neighborhood. There have been more than 250 petitions signed in opposition. By attending numerous neighborhood meetings, writing letters and e-mails the neighbors have emphatically expressed the opposition to the City, the Council, the Parks and Recreation Commission, and the Trails Planner. Please understand that Dobson Wash is private property and was deeded to the Vistas on August 13, 1986. We will not relinquish ownership of this jointly owned property. The 98<sup>th</sup> Street/Church Road connection was added recently through the back door. A trail and utility easement alongside private property along a curving winding city street is not amenable to a tranquil equestrian experience. These houses and their permits had been in place long before anyone thought of building a trail. The idea that the homeowners will work with the Trails Planner to make this connection is out of the picture. Commissioner Heckman stated that a trail connecting the city has been a dream of his for many years. As the city has changed and unparalleled growth and development have occurred. New issues need to be addressed. What was appropriate in the 1980's is no longer relevant in 2003. The neighborhoods have expressed a desire to cooperate in developing a viable option for the City, one that would be unique and provide peaceful open desert vistas. We would suggest that the tax dollars provided for the preserve be utilized so everyone can enjoy these benefits. The

Wingate Pass would provide an outstanding experience for equestrians and hikers. In addition we have also suggested that the City use the Pima scenic corridor as a connector. Tax dollars have already provided in excess of \$1.5 million for improvements. Coming south to the Kiva tonight there are lovely trails along Hayden Road and they had plenty of space separating them from the private property and do not impose of private property. Please hear our united voices.

Roger Strassburg, 9117 E. Los Gatos, stated he is a member of the homeowner's board with about 200 homes with over 200 residents that have signed petitions in opposition. This is not in opposition to nature trails but as part of a belief that they should be in the nature preserve so that the public can enjoy those conservation lands that public monies are going to set aside. A number of the association's residents hike there and find the terrain to be good for trails. In the presentation there was no apparent consideration to the volume of traffic. Pinnacle has 1400 people. If a fraction of those people decide to take a short cut and park at the cul-de-sac at 98<sup>th</sup> Street the neighborhood will be subjected to an enormous amount of vehicular traffic and will have no choice but to construct gates in the community. On Dobson Wash, he has looked at maps and it appears that the only access to Dobson Wash from the south is by an easement that runs between Vistas III lots and DC Ranch. That easement was recorded in 1999, 3 years after a restrictive development agreement which is an agreement between the Vistas III and DC Ranch to maintain the area between the properties in a natural state that we believe is inconsistent with trails of the scope and dimension that are being planned here. They believe that the city took that easement subject to the 1996 development agreement. The concerns about the Rock Burglar prompted a request to have a member of the police department come and address the group at an annual meeting. He stated to make the trails safe they need to be lighted, cut the trees up to 10 feet and cut the bushes to 3 feet. They view that as not the kind of trails that would fit in this area. The officers mentioned that hikers would provide camouflage to burglars to access the area. The officer said that the best defense against the Rock Burglar would be neighborhood watch organizations that could identify the known people who have business in the neighborhood. They are afraid that this kind of trails system will frustrate the efforts of a Block Watch.

Michel Avril, 9387 E. Adobe, said several members of the homeowners' association are in attendance. There is a desire not to see the trail happen through this neighborhood. He and his wife hike a lot. They do not enjoy walking between homes. We believe hikers are decent respectable people. There have been 5 incidents of the Rock Burglar striking in the community. All the police can say was "protect your home by watching who is here." You have to be selective to find a home that is not against the proposed trail. There are approximately 40 homes in the Dobson Wash area that will be severely impacted by this. Not all of the legal ownership is evident. He entered into the record 195 petitions opposing this trail.

Leslie Dashew, 21839 N. 98<sup>th</sup> Street, owns 32 acres of land much of which the wash or the 98<sup>th</sup> Street corridor would go through so naturally she is opposed to it. She heard some new information about priority setting. She feels it is important to use resources to meet the goals of the community. She wishes she lived here 30 years ago so she could have been a part of the development of a plan. That was a good vision. That was done prior to the massive development that the city allowed to happen throughout this area. We need to get rid of that and really look at that which would serve the recreational needs of our community. There are not many people that will take their feet, horses, or bikes from the south and go to the north. Saying these secondary trails are necessary for connectivity is inappropriate at this time. They will not have "Discovery and Experience" in my backyard because that is private domain and you don't have an easement for that. If you are looking at linkage there is no reason it cannot go along more public conduits such as Pima Road. If you put the \$2.5 million into supporting the recreational areas for maintenance, signage and so on it will be a better use of those resources.

Edward Marklow, 9708 E. Calle De Valle, stated he purchased the property in 1992 and it was originally incorporated as Maricopa County with 12 acres with no deed restrictions. Since 1992 they watch quads, 4-wheel drive vehicles, campfires, dogs and people just running crazy on this property. Pinnacle Peak Vistas III and V is only 6 home sites representing about 45 acres. It is very difficult for the City to bring the public on a trail through 45 acres without roping a corridor through those lots to keep people off private property. He does not want his neighbors in his back yard, not their horses, dogs, recreational vehicles or anything to do with them. If you put a trail through his lot it leaves him with about 45% of the land he purchased. He will not put up with this.

Michael Walker, 22000 N. 96<sup>th</sup> Place, stated his backyard is the Dobson Wash. A trails system in concept is a good one but when you lay a concept over the real world there are problems. In this neighborhood there are 3 proposed avenues of travel that open it up to people who are not part of the neighborhood. One is the Dobson Wash that goes through private property that has an equestrian easement. An equestrian easement is a different animal than a multi-use trail for hikers and bikers. With regard to the Reatta Wash, it goes right through the backyards of private property owners. The Church Road/98<sup>th</sup> Street proposal puts hikers and bikers right through a slice of the front yards of property owners' private property. Most of us worked hard to accumulate what is needed to live there, not having to live close to your neighbors. Putting this high use there and none of us signed up for it when we bought our homes is unfair.

Marilyn Andrews, 22612 N. Church Road, would like to address some safety issues. All three trails go up the alluvial fan to the apex. This was so dangerous that the greenbelt was proposed. A study is being done on the Pinnacle Peak bridge to figure out how to develop an early warning for the area. The study will not be completed until 2004. The study that is costing \$1.5 million is proposed a trail system right up the middle. There is another safety issue regarding children in the neighborhood. There are 3 buses every morning and afternoon. On Church Road there is a 50 foot easement only. There is no extra 8 feet. Displays show the utility boxes on the embankment and that is private property. Utility lines run along the pavement and the private property. There is no 8 feet. If there is deviation from that there are a lot of engineers that will be sued. She opposes all three trails.

Gerry Christensen, 9731 E. Adobe Dr., noted his property is right on the cul-de-sac of DC Ranch and Vista III. He wanted to retire and have peace and quiet. He now finds that someone wants to put a thundering herd through his front yard. There is one thing the map doesn't show that Church Road is very winding. One has to be very careful to travel the road and not run into people that are walking their dogs. Why would anyone want to put a trail along a paved road. There are a lot of safety issues. The next thing we will have to do is build walls. He asks that the trails be put where they belong, in the preserve.

Erik Filsinger, 10212 E. Charter Oak, noted he is the immediate past president of the Arizona Mountaineering Club and was asked to come and speak by their board. They feel strongly that this is a system that is important and would be part of the dream of a lot of folks for Scottsdale and should be included. They are one of a lot of outdoor recreational groups that come to Scottsdale and are in a sense in-State tourists that spend money in Scottsdale. The club has about 2,000 users and they make good use of the facilities. They hope for a long and warm relationship for the future. They are asking for approval of this plan. It is a good plan and has had a lot of input. It is the right thing to do. Some connection is needed through this neighborhood but whatever solution is chosen, connectivity is important.

Carol Gentner, 23227 N. Church Road, just built a home on Church Road. She intentionally did not build in DC Ranch because of the trails and was not informed of the proposed trails in the area her home is now. Mr. Hamilton stated at the January meeting that this would increase the value of these homes. The trails in Hidden Hills have already caused 9 people to decide to back out because of the trails. They were told enforcement would have to come through the police and that budget has been cut. They were told these trails would be for the neighbors to use. The neighbors are happy using the streets. They were told in a brochure that every neighbor would be charged up to \$250 to maintain the trails. At the February 5<sup>th</sup> meeting the statement was made that the trails would not be associated with any roadway. Church Road is a roadway. There is a safety issue with the trail being next to Church Road. Staff stated that the washes contained a very high risk. These trails would connect Westworld, which means that they could ride from Westworld up through these properties. There are problems with the Rock Burglar. There have been several surveillances done from her home. They come in on foot and park their cars somewhere else. With regard to the manure clean up neighbors were told it would disintegrate. Anyone that owns horses must clean up their manure twice a week. There are pictures of utilities right in the road in the area being discussed. It is dangerous to cross Pinnacle Peak at Church Road. There is no place for pedestrians or horses to cross. The bridge is concrete and there is no way to access Reatta Pass from Church Road. There is a culvert 3-1/2 feet from the asphalt.

Janie Gomez, 14115 E. Westland, is a land steward for the McDowell Preserve and is in full support of the Master Trail Plan and believes in trails that connect. It is an exciting and important fact to get from one area to another.

Trails provide for outdoor activities, exercise, and a healthy experience. The county is working toward connection of all 7 parks in the county, as they know that is important.

Catherine Poulos, 9484 E. Adobe Dr., has failed to see the increase in traffic issue addressed for the area. This area is a small road with barely 2 lanes of travel. When construction workers park along the side of the road there are no places to go other than single file along the road. People will park along the roadside and you cannot police this. She watched the April trail ride through the neighborhood and the potential of 1400 people coming through there scares her. There are people using it with dogs, go-peds, walkers and this will be a increased problem. The liability to homeowners has failed to be addressed. Who would be responsible if someone gets hurt. Fire danger has not been addressed. The impacts on the small animals who live there are once again being pushed out. As a homeowner she strongly urges the Commission to choose none of the options available. It is time to take a concrete look at this. At the end of the Roy Rogers and Dale Evans television show they said "Happy Trails to You." Please take them elsewhere.

J.D. Helms, 23205 N. Church Road, has 6 more petitions from LaDera Vista to the north and they were unaware of this as were many others to the north. Church Road would be an unsafe path for bikers, hikers and horse people. In many cases the path would be along the road. There are curves there and people don't observe the speed limit. He walks the road and he steps off when he hears a car. Vandalism is another reason there is opposition to this plan. He doesn't understand the obsession over connectivity. He hikes other wonderful destination places. He drives to these destinations. He gets his exercise by walking, playing tennis, and going to the fitness center. He doesn't expect those things to be right around his home. He drives to them and doesn't complain. He doesn't understand those people who say they must have this connectivity. Staff has consistently tried to assure them that it is a neighborhood trail with all the benefits. Let the neighbors decide.

Tony Nelssen, 7736 E. Redbird Road, said this sounds a lot like de ja vu. Many of these arguments and more were heard about the Pinnacle Peak Trail. Many of these people seem to enjoy the trail. Maybe they are not aware of the controversy surrounding its development – there would be trash, spores from the manure, and crime. Turns out it is a pretty popular place. The Jomax trail was strongly objected to by the residents – crime, noise, decreased property values – that didn't seem to happen. He formerly owned Lot 24 at the end of Foothills Drive and is pretty familiar with the neighborhood. There really is only one place for a trail here and that is in Dobson Wash. Connectivity is what we are struggling for today. Many trails that were used by many members of the community were lost through development. The commission must address enforcement of uses of the trails. Many expressed their opposition because there is no reasonable means of keeping motorized vehicle users off the trails. It is bad PR, dangerous, and against the law and needs focus. He recommended that you have relentless persistence in maintaining the trail system. With the proposed trail alignment in the Desert Foothills area, he will now have a public trail along 1200 foot of his property. He has the same concerns but feels he can work is way through it. There is no reason why there can't be a Management and Operations plan for this controversial stretch of trail through the Dobson Wash. Give the people that live along that wash some level of comfort and involvement in the process.

Steve Erickson, 22019 N. Church Road, this is surrounding his property. This home was built under the Maricopa County codes. There is not 19 feet on the west side of the property wall. There is a max on how high he can build his wall. There are strict lighting policies in the covenants that would prohibit lighting the street. He is opposed to this.

Ethelyn Cohen, 9355 Via Del Sol, said her home is not involved in quite the same way as the path is not at her door. She feels the entire neighborhood has been impacted and they have provided petitions to show that a good part of this is being done for the neighborhood. The neighborhood is against it so she doesn't understand the communication that it is being done for their own good. To say we are going to do it and the other neighborhoods are minor intrusions would be to look away from impacting them from a lack of personal freedom. She opposes this and knows she speaks for many neighbors.

Carla, P.O. Box 14365 in Scottsdale, is the Executive Director of the McDowell Sonoran Land Trust. The question before the commission this evening is do you want a functional trail system or do you want pieces. It is a very emotional issue when it is your neighborhood and can lead to hyperbole. She has a friend who lives in the

area and she empathizes. Those who say they bought in the area for privacy need to realize that when you bought there these trails were already on the plan. The overall trails plan has been there for many years. In effect the neighborhood is running through an overall trails plan. Talk to people who live near Pinnacle Peak who had so many fears and concerns that have gone unrealized. It is not an absolute mess. There will not be a fraction of that number of users on this trail. Traditionally, users will come from your area. She lives in a small home along the Indian Bend Wash and has a trail right in front of her home. This is viewed as a security aid. The preserve is too steep and a prime habitat. Trails are not planned there, if you could even get permission from the private owners. The concern regarding the animals was brought up and that the trails would chase them away. Your homes did that already. There will be trails in the preserve but these are for connectivity. Having people drive to the preserve will require more parking the preserve not to mention air pollution. This is part of being part of a great community. Don't isolate yourself from the community. View this as an amenity not a threat.

Susan Wheeler, 9616 E. Kalil, stated she wants the trails. She served on the Parks Commission for 6 years when the trails planning started. These were trails that were already on the General Plan. She has served on the McDowell Mountain Task Force and the McDowell Sonoran Preserve Commission to preserve the desert. Horses brought in \$1.6 million to the State last year and most were backyard horse owners. Horses play a large part of the Scottsdale community. She moved to Scottsdale because of the equestrian influence. She shared an equestrian story involving a horse stepping onto the road and becoming injured. When horses go on a paved road they must obey the same rules as cars with regard to liability. Please do not put trails along roadways. She supports the Dobson Wash alignment. They have been working on connectivity since the 90s. There is nothing worse than going for a ride and hitting a block wall and having to go onto a major street. She worked hard to save the desert and mountains so they can be used by the citizens.

Jim Fox, 22150 N. 96<sup>th</sup> Place, stated he opposes all three options, specifically Option A. His house is only 50 yards from the wash. How can you take an equestrian easement and make it multi-use. Has the Commission ever condemned property for the purpose of putting in a quarter-mile trail. That is wrong and a lot of people in the room will litigate that issue.

Tyler Barney, 8426 E. Cholla, said he agrees that we need to finish the trails. The first study was in 1984 and was before he was born. He likes trails and wants everyone to be able to enjoy them. There are a lot more people in Scottsdale with this rather than opposing this. They believe these trails should be in.

Theresa Thraen, P.O. Box 3433, is representing the Rio Verde Horseman's Association of over 400 people. Scottsdale has had this master plan in the works since the 1980s and now some say they don't like it. The city tried to find alternatives and they didn't like this either. This is not right as the wants of a few should not dictate the needs of many. The groups opposing the plan are concerned that trails will decrease their property values. She can provide numerous reports that state the opposite but she doesn't need to. The City already did a study and it says, "trails accessibility increases property values." Another concern is trails bring criminals. Common sense tells you that this is not true. She hopes the Commission will hold firm with the support of the original master plan. As to the alluvial fan issue, if the area is so dangerous why would they build houses in it. She presented Arizona House Bills that outline "Recreational and Horseman Liability."

Shelly Wagman, 9730 E. Adobe Dr., stated that the system that has been developed is flawed because of people. The problem is when the trail system was created there were no houses. The City began to parcel off the land so people could build there. You are too late to put the trails in now. If they had been put in before the houses were built then the choice could have been made to build there or not. Another piece of this is safety. People will not walk along 98<sup>th</sup> and Church Street. They want to go on the mountains. We have seen them. The police do not come. There is a danger. He worries about people's health. Who will take care of those who get hurt. He hopes he can get through to the commission. This is not the place and you can't displace the people now. He won't allow that to happen. The people are not leaving and they own the land.

Commissioner Timmons Edwards noted that there were several referrals made to condemnation and easements. Would staff please address those issues. Mr. Hamilton noted there are 2 shaded areas in Pinnacle Peak Vistas III that was dedicated as equestrian easements. Staff has consulted with the City Attorney's office but has not received a reply. There is another easement, which is a part of Canyon Heights and is listed as use for

equestrians. There is a easement that runs east and west along DC Ranch is dedicated as an equestrian easement and was dedicated in 1999 as a part of the DC Ranch circulation plan. One speaker mentioned an agreement that would prohibit any type of construction in that area and staff will get an opinion from the City Attorney's office. The City owns 3 lots as a holdover from the greenbelt. There are approximately 11 properties along the Reatta Wash. Along Church Road and 98<sup>th</sup> Street the City does have 50 feet of right of way 11 feet of which is unpaved. Commissioner Timmons Edwards said that legal negotiations would have to be done on all the options. The property owners have said they would not let the city have it. Mr. Hamilton said that is what he has heard from the property owners. Commissioner Timmons Edwards asked if the city would use condemnation to acquire the needed property. Mr. Hamilton said whether the city would or would not is difficult to predict. The question of had there been previous condemnation, with the Pinnacle Peak the council approved the use of condemnation but an agreement was reached with the property owner. We have never condemned property to obtain a trail.

Commissioner Hersey asked if someone could address liability. Mr. Hamilton said that Arizona has a Recreational Use Statute that provides protections for property owners, as long there is no gross neglect. The purpose of the statute is to allow recreational and educational uses of property without property owner liability.

Commissioner Oliver asked to see the slide of the security box. Mr. Hamilton displayed that slide. Commissioner Oliver asked if that area would be condemned and would the city move the box. She feels that crossing the driveway will be highly unsafe. She is concerned about safety and noted that people don't drive at 25 mph. She stated her concern about the odor of the waste. Mr. Coffman showed the cross section map of what is public owned, what is utility easement, and where boxes are located. The city owns 25 feet from the center lane. The entire street is about 28 feet wide. That leaves approximately 11 feet of city owned land adjacent to the pavement that would be the location to put a trail just as it would be if there were sidewalks. The city has no rights to the 8-foot utility easement. The boxes are probably centered in those 8 feet. If the trail is 4 feet wide there would still be 7 feet that could be a buffer to both the street and the utility boxes.

Commissioner Timmons Edwards noted several people mentioned why not take the trails through the preserve. Mr. Hamilton said the predominant reason is that we don't own it. It is privately owned preserved land that is in the boundary of the preserve and protected through NAOS, ESO, etc. Commissioner Timmons Edwards asked if it is on schedule to have the city own it. Mr. Hamilton said it is considered to be preserved and there is no action necessary as it is preserved through zoning. Commissioner Timmons Edwards asked why we would approve the plan before the alluvial fan study is completed. Mr. Hamilton said the City is conducting a study to decide what the danger is. Indian Bend is an example of a trail through a wash. There are no signs. There are trails in washes that could flood. Typically they are the corridors available.

Commissioner Heckman asked staff to address homeowner liability. Mr. Hamilton reiterated information regarding the Arizona Recreational Use Statute. If the property owner is grossly negligent then the statute will not protect you. The statute cannot prevent someone from suing you but can help determine the outcome.

Commissioner Heckman noted he has attended meetings on Church Road. He has walked the washes and the Church Road/98<sup>th</sup> Street. The dream is that of the City and has been mapped since 1982 and it was voted on in the bond election to the tune of \$2.5 million. The fact is that bond election money needs to be used for what it was voted for. They may get postponed until budgetary issues are resolved. Mr. Nelssen pointed out the Jomax alignment issues. The 1400 users at Pinnacle Peak use that without incidents, without litter, problems and manure left behind. The thundering herd statement is not remotely a possibility as this is a connecting trail. This is not for motorized vehicles. This is a vision that makes sense and is a quality of life issues. We have petitions of 200 but have heard overwhelmingly from the entire constituency through the bond election. Commissioner Heckman will stand in support of this issue. He regrets that, because we have an alignment along Church and 98<sup>th</sup> we are approving a path system that is where it is not where it should be. It belongs in the washes. There are easements issues and terrain issues that preclude the use of the washes. Commissioner Heckman does not believe there are safety issues. He feels this will be a healthy recreational opportunity for the entire community. He would rather to work together to work on the wash alignment. The comment was made the houses were built before the trail was planned. The fact is the trail was mapped before the houses were planned. The reason they weren't put in at that time because much of the area was not a part of the City of Scottsdale. We are doing the

best we can to create something the community voted overwhelmingly to support. Moving it to Pima is much longer and there are not setbacks and is a nightmare. The biggest reason you can't use the mountain is the steepness of the terrain. The map shows the connectivity to the DC Ranch and the Wingate Pass and without this segment there is no way to connect these paths.

Commissioner Heckman moved to support the staff recommendation for the Church Road/98<sup>th</sup> Street alignment of the Trails Master Plan with the stipulation that the washes would have been a far better option, but in the spirit of creating that connectivity, staff's recommendation be supported. Vice-chair Hersey seconded the motion.

Vice-chair Hersey agrees that the linkage through the Dobson Wash area is connection. It is important, no so you can go from south to north, but that you can get on the trail anywhere and have somewhere to go and not hit a wall after a half-mile. The nature of our climate make this city an outdoor city. Sharing creates a greater community. Support for these trails to be designated now, so as future development occurs, we will have these areas to enjoy nature. We will probably go through another development boom in 50 years. She agrees that Church Road is not the ideal location. The washes are better. It is the most likely location that we can obtain and her hope is that we can work together.

Commissioner Timmons Edwards thanks her colleagues that worked on the plan. These are not easy issues and we are trying to think how to respond to all who live in the City not just those that come to express their very specific viewpoint. She listed to what Tyler had to say, thinking that he was the child of someone who opposed to the project. He stated he really wanted trails in his city. By the time we get through the public process he could be the only one still around to enjoy them. All we are doing tonight is creating a plan. The residents of Estancia said some of the exact same things said this evening. There are issues that need to be worked out. She will trust the work of the commissioners who served on the task force and will support the motion.

Chairperson Anderson noted that she met with many of the neighbors and has been on both sides of the issue. When it comes down to it, it make more sense to have a trail plan that does connect. There are many others that may be unhappy with their connections. Without this piece is appears that we would loose an important connection.

Chairperson Anderson called for the vote. The motion carried with a 4-2 vote (Commissioners Oliver and Owens dissenting).

#### OPEN CALL TO THE PUBLIC (A.R.S. § 38-431.02)

Chairperson Anderson opened the call to the public. She noted she has 3 requests to speak.

Mark Lewis, 2515 E. Thomas Rd. and a member of the Board of Directors of the Central Arizona Project, noted that they passed a trails policy that proposes trails be constructed along the canal corridor. He agrees that there should be a Management Plan. Managing the human interface is important. There have been incidents of trespassing along 124<sup>th</sup> Street. It was suggested that a wall be erected. Fortunately that is not what happened and a resolution was reached. As you go through the process you need a trail policing plans. The CAP will be looking at a partnership in managing the trails along the 336 miles of trails along the canals. There will be police issues, motorized vehicles issues, etc. He encourages the commission to continue to work on this. Don't pave any trails until we get them built.

Tom Rief, 4413 N. Saddlebag Trail, represents the owner of the property at southwest corner of Scottsdale and Dynamite Roads. The property referred to is 168 acres that has obtained preliminary approval for a subdivision. As part of the approval they are required to dedicate and build trails along the Dynamite and Scottsdale Road frontages and the trails are located within the scenic corridors. They are also required to dedicate and build a trail along the Pinnacle Vista frontage. All three of these are on the previous General Plan. There was also a stipulation for a trail in the wash that dissects the property. That was later removed through discussions with the City Attorney. They now find that the Trails Master Plan does call for a trail in that wash. The current owner has owned this parcel for over 10 years. The trail does not connect to other trails. The other frontage trails do connect. With the dedications on the north, east, and south of the property, the question is when is enough



enough. He asks that the commission direct staff to remove the trail that dissects the property from the master plan.

Tony Nelssen, 7736 E. Redbird Rd. in the desert Foothills Character Area, and would like to respond to Mr. Reif's comments. It is more desirable to ride in a wash than along a busy street. He doesn't know why legal told them they didn't have to have it in the wash. This is a matter of communication. Preliminary plats need to be approved within 12 months. It has been 18 months. The City has hired Todd and Associates and it has been recommended that that trail remain in the plan. He encourages the Commission not to remove it from the plan. We may not get it but at least we would have a fighting chance.

Vice-chair Hersey requested a map on this issue be presented at the next meeting.

#### ADJOURNMENT

Commissioner Heckman moved to adjourn the meeting. Vice-chair Hersey seconded and the motion carried unanimously.

With no further business to be brought before the Commission, Chairperson Anderson adjourned the meeting at 7:30 p.m.

Respectfully submitted by Ruth Johnson, Recording Secretary.

Meets established criteria.

A handwritten signature in black ink, appearing to read "Debra Baird", is written over a faint, rectangular stamp that contains the word "RECEIVED" in all caps.

Debra Baird, Director  
Parks, Recreation & Facilities